

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ingmar Hoerr et al.

Application No.: 10/580,746

Confirmation No.: 9342

Filed: May 26, 2006

Art Unit: 1632

For: COMBINATION THERAPY FOR
IMMUNOSTIMULATION

Examiner: J. T. Woitach

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the restriction requirement set forth in the Office Action mailed April 6, 2009, Applicants hereby provisionally elect Group II, claims 1-17, drawn to method for immunostimulation comprising administration of an mRNA encoding at least one antigen of a tumor in combination with one of a cytokine, a cytokine mRNA, and adjuvo-viral mRNA, a CpG and an adjuvant RNA, and, as species, the tumor antigen NY-ESO-1, both with traverse. Reconsideration and withdrawal of the restriction requirement is strongly urged for the following reasons.

The Claimed Inventions Share a Novel Special Technical Feature

Because this application is a national stage filing pursuant to 35 U.S.C. § 371, unity of invention under PCT Rule 13.1 and 13.2 is the applicable standard. Unity of invention is fulfilled “when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical feature. The expression “special technical feature” shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.” (PCT Rule 13.2).